

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

MODIFICATION OF ATTACHMENT A
TO THE
RECLAMATION CONTRACT

Name of Operator: PABCO Building Products, LLC dba as
Interstate Brick Co.

Permit Number: M0450006

Mine Name: Five Mile Pass

Phone Number: 801-280-5200

Per the executed reclamation contract, the surety agreement for reclamation obligation is included as Attachment A to the reclamation contract as follows:

Check the boxes that apply to this form:

Surety: ☐ Decrease
☒ Increase
☐ Replacement

Reason: ☐ Amendment to NOI
☐ Cancellation/ Termination of surety
☐ Escalation
☐ Partial Release of surety
☒ Other

Explain: Five year escalation at 3.8% rate, year 2013.

Surety Dollar Amount Associated With This Action: \$25,235.00

Surety Aggregate Amount: \$148,335.00

Included in this modification (surety must be attached)

Instrument(s):

<input checked="" type="checkbox"/> Corporate Surety	<input checked="" type="checkbox"/> Rider
<input type="checkbox"/> LOC Letter of Credit	<input type="checkbox"/> Amendment
<input type="checkbox"/> CD Certificate of deposit	<input type="checkbox"/> Addendum
<input type="checkbox"/> Cash	<input type="checkbox"/> Other

Explain:

Other surety not affected by this modification will remain part of Attachment A and labeled as such.

This Modification will be effective as of the last date signed below

A.K. Mueller A.K. Mueller President

9-11-08

Authorized Officer Signature

Printed

Title

Date

John R. Baza

11/5/08

Division Director John R. Baza
Utah Division of Oil, Gas and Mining

Date

DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION

and the

County/City OF Tooele

**RECLAMATION PERFORMANCE BOND
INCREASE/DECREASE RIDER**

To be attached to and form a part of Surety Company Bond No. _____,
written by Western Surety Company as
SURETY, on behalf of PABCO Building Products, L.L.C. dba Interstate Brick Company
as PRINCIPAL, in the penal sum of One Hundred Twenty Three Thousand One Hundred Dollars
And No Cents
DOLLARS (\$123,100.00), in favor of the County/City of
Tooele and, in the alternative, the Department of Conservation, Office of Mine
Reclamation, and, in the alternative, the N/A
(Third Party Public Agency)
and executed on April 2, 1998

Whereas, the County/City of Tooele issued approval of a
surface mining and reclamation project, Permit No. M0450006, dated on
_____, and renewals and revisions numbered and dated
_____ pursuant to the application of the Principal,

OR

Whereas, either the County/City of Tooele or, in the alternative,
the State Mining and Geology Board approved reclamation plan No. _____
dated on _____, and renewals and revisions
numbered and dated _____ pursuant to the application
of the Principal;

and

Whereas, said bond and rider shall cover any and all land affected or to be affected
by the mining operation under the above mentioned permit and reclamation plan or the
reclamation plan, and revisions and renewals since the date of the issuance of the permit
and reclamation plan or the reclamation plan,

Now, therefore, the amount of this bond is increased/decreased by _____
Twenty Five Thousand Two Hundred Thirty Five Dollars And No Cents Dollars
(\$25,235.00), to a total penal sum of _____
One Hundred Forty Eight Thousand Three Hundred Thirty Five Dollars And No Cents Dollars (\$148,335.00), to
cover the additional/reduced cost of reclaiming all affected lands for the payment of which
sum we hereby jointly and severally bind ourselves, our successors and assigns. It is further
understood and agreed that all other terms and conditions of this bond shall remain
unchanged.

Permit No. M0450006

Bond No. _____

IN WITNESS THEREOF, the Principal and Surety have hereunto set their signatures and seals as of the dates set forth below.

PRINCIPALDate September 10th, 2008PABCO Building Products, L.L.C. dba Interstate Brick
Company

(Company - Permittee [Principal])

By: 
(Corporate Officer/Partners/Sole Proprietor)

(Seal)

A.K. Mueller

Typed or Printed Name

Title: President**SURETY**

I declare, under penalty of perjury, under the laws of the State of California, that I have executed the foregoing rider under an unrevoked Power of Attorney.

Western Surety Company

By: 
(Signature of Attorney-in-Fact for Surety)

(Seal)

P.A. Gouker

Typed or Printed Name

Title: Attorney-in-Fact

Executed in Folsom, California on September 10th, 2008 under
(City and State) (Date)
the laws of the State of California.

(Note: Where one signs by virtue of a Power of Attorney for a Surety Company, such fully executed Power of Attorney must be filed with this bond.)

Permit No. M0450006

Bond No. _____

ACKNOWLEDGMENT OF PERMITTEE

State of _____

SS.

County of _____

On this _____ of _____, in the year _____, before me, _____

(name and quality of officer), personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

L.S.

Notary's Signature _____

My Commission Expires: _____

ACKNOWLEDGMENT OF SURETYState of California

SS.

County of SacramentoOn this 10th of September, in the year 2008, before me, Rosalie Ann Miszkiel, Notary Public

(name and quality of officer), personally appeared P.A. Gouker, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

L.S.

Notary's Signature Rosalie Ann MiszkielMy Commission Expires: 11/16/08

NOTE: Please identify the agent acting on behalf of the surety, if applicable.

AGENT Thomas R. Hucik PHONE (916) 852-1900ADDRESS 21 Natoma Street, Suite 150Folsom, CA 95630

ACKNOWLEDGMENT

State of California
County of SACRAMENTO

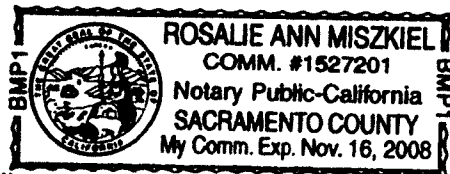
On September 10, 2008 before me, Rosalie Ann Miskiel, Notary Public
(insert name and title of the officer)

personally appeared P.A. Gouker
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____



(Seal)

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Thomas R Hucik, Jo Anne Hucik, Rosalie A Miskiel, P A Gouker, Individually

of Folsom, CA, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 3rd day of November, 2006.



WESTERN SURETY COMPANY

Paul T. Bruflat, Senior Vice President

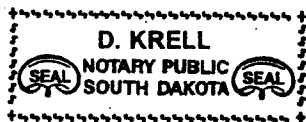
State of South Dakota }
County of Minnehaha }

ss

On this 3rd day of November, 2006, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

November 30, 2012



D. Krell, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 10th day of September, 2008



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary